

REMARKS

Claims 1-58 are pending in this application. Claims 1-58 stand rejected. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 7-9, 12, 14-22, 24-31, 33, 35-37, 40, 42-44, 46-53, 55 and 56 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. Publ. No. US 2002/0052756 to Lomangino. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been clarified by being further directed to “the member, supporter or contributor through the user terminal selecting a level of sponsorship of a plurality of sponsorship levels where a cost associated with each level of the plurality of sponsorship levels is commensurate with various levels of monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.” Independent claims 28, 29 and 50 have been similarly clarified. The selecting of a level of sponsorship of a plurality of sponsorship levels where a cost associated with each level of sponsorship of the plurality of sponsorship levels is commensurate with various levels of monetary giving of gifts from the member, supporter or contributor to the governmentally recognized not-for-profit organizations is discussed in the first full paragraph of page 8 of the specification.

Claims 1-58 are now clearly differentiated over Lomangino. For example, the Lomangino “invention relates generally to ... facilitating donations of goods from donor

members and retrieval of goods by recipient members” (Lomangino, par. [0002]) as opposed to money which is a specific feature under the claimed invention. In this regard, “The term ‘goods’ is intended to mean any chattel property or other physical item” (Lomangino, par. [0043]), as opposed to monetary contributions.

While Lomangino does discuss the solicitation of money, those solicitations are directed to making the goods available to recipients. In this regard, “The solicited donations may include the money to cover at least one of shipping cost, cleaning cost, and packaging cost” (Lomangino, par. [0021]). The publishing or printing of charitable ad-books is not discussed in Lomangino.

Claim 1-3, 5, 7-9, 12, 14-22, 24-31, 33, 35-37, 40, 42-44, 46-53, 55 and 56 are directed to “monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.” In contrast, Lomangino is directed to the donation of goods from donors to recipients, not necessarily having anything to do with a group.

Moreover, claims 1-3, 5, 7-9, 12, 14-22, 24-27 are directed to “the member, supporter or contributor through the user terminal selecting a level of sponsorship of a plurality of sponsorship levels where a cost associated with each level of sponsorship of the plurality of sponsorship levels is commensurate with various levels of monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.” Independent claims 28, 29 (and dependent claims 31, 33, 35-37, 40, 42-44, 46-49) and 50 (and dependent claims 53, 55 and 56) are directed to similar features. However, since Lomangino is directed to the transfer of goods, Lomangino would have no reason for selecting one of a plurality of sponsorship levels for charity, but Lomangino would be directed to goods for exchange.

For any of the above reasons, Lomangino does not do the same or any similar thing as that of the claimed invention. Since Lomangino does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 4, 6, 10, 11, 13, 23, 32, 34, 38, 39, 41, 45, 54, 57 and 58 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. Publ. No. US 2002/0052756 to Lomangino. Applicant respectfully traverses these rejections.

The Office Action asserts that “it would have been obvious ... to modify Lomangino to have the ads/messages either be placed in a printed publication or online as do so are common ways of providing advertisements to users, there by providing options to how the advertisements are exposed to viewers” (Office Action of 9/16/10, page 9). However, there would be no reason to modify Lomangino because advertising would not be necessary or even germane to the objectives of Lomangino let alone charitable ad books or laudable statements instead of goods.

Moreover, claims 4, 6, 10, 11, 13, 23, 32, 34, 38, 39, 41, 45, 54, 57 and 58 are directed to “monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.” In contrast, Lomangino is directed to the donation of goods from donors to recipients

Moreover, independent claim 1 (and dependent claims 4, 6, 10, 11, 13, 23) are directed to “the member, supporter or contributor through the user terminal selecting a level of sponsorship of a plurality of sponsorship levels where a cost associated with each level of the plurality of sponsorship levels is commensurate with various levels of monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.”

However, since Lomangino is directed to the transfer of goods, Lomangino would have no reason for selecting one of a plurality of sponsorship levels. Independent claim 28, 29 (and dependent claims 34, 38, 39, 41, 45, 54, 57 and 58) are directed to similar features.

For any of the above reasons, Lomangino does not teach each and every feature and limitation of the claimed invention. Since Lomangino does not teach each and every limitation of the claimed invention, the rejections are improper and should be withdrawn.

Lomangino As Prior Art

On September 24, 2008, a declaration by the Applicant entitled DECLARATION OF BRUCE A. FOGELSON was filed with the U.S. Patent Office. In the declaration, the Applicant establishes that the invention was conceived by at least February of 2000 and that the Applicant practice due diligence in reducing the invention to practice by at least June 21, 2001. Accordingly, Applicant is entitled to a date of invention of at least February of 2000.

In contrast, the earliest date for Lomangino is October 31, 2000. Since Applicant is entitled to an invention date of February of 2000, the claimed invention predates Lomangino. Accordingly, the claimed invention is not anticipated or rendered obvious by Lomangino.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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